



UNIVERSITY OF COLORADO LAW SCHOOL | Samuelson-Glushko Technology Law and Policy Clinic

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:

CERTAIN WIRELESS SERVICE
INTERRUPTIONS

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GN Docket No. 12-52

**COMMENTS OF SAMUELSON-GLUSHKO TECHNOLOGY LAW AND POLICY CLINIC,
UNIVERSITY OF COLORADO LAW SCHOOL**

John-Paul Sauer
Jeffrey Domash
Student Attorneys
Samuelson-Glushko Technology
Law and Policy Clinic
University of Colorado Law School

Brad Bernthal
Associate Clinical Professor of Law
University of Colorado Law School

The Saumelson-Glushko Technology and Law Policy Clinic at the Colorado Law School respectfully submits this comment in response to the Federal Communications Commission's ("FCC" or the "Agency") Public Notice request for comment on certain wireless service interruptions in the above-captioned docket.

Introduction

Docket Number 12-52 presents an important moment where domestic policy should take cognizance of the United States' international positions concerning communications freedoms. In this docket, the FCC confronts the question of whether and when a governmental actor can shut down a network. While it is of course outside the FCC's jurisdictional charge to craft international policy, it is important that the Agency's legal interpretations be informed by principles of communications freedoms. In particular, legal safeguards that the FCC clarifies in this docket concerning domestic communication shutdowns affects the broader international understanding of communications freedoms. The issues presented in this docket underscore that, whether domestic or abroad, communication freedoms altered by governmental actors should not be lightly regarded.

In the last two years, the world witnessed a wave of protests and demonstrations in the Arab world. In Kuwait, Algeria, Iraq, Morocco, Oman, and Jordan, major protests occurred.¹

¹ Eman Goman, *Kuwaiti Protests on Tuesday Aim to Remove PM*, REUTERS AFRICA, Mar. 7, 2011, <http://af.reuters.com/article/worldNews/idAFTRE7262LS20110307>; *Algeria: Thousands Turn Out for Anti-Government Protests*, THE SEATTLE TIMES, Feb. 11, 2011, http://seattletimes.nwsources.com/html/nationworld/2014201479_apafalgeriaprotest.html; Rania Gamal, *Iraq Protests Push for Reforms But Won't Oust Government*, REUTERS, Feb. 26, 2011, <http://in.reuters.com/article/2011/02/26/idINIndia-55176120110226>; *Moroccan Protesters Demand Limit on Royal Powers*, ABC NEWS.COM, Feb. 21, 2011, <http://www.abc.net.au/news/2011-02-21/moroccan-protesters-demand-limit-on-royal-powers/1949880>; Nada Bakri, *Oman Joins Protest Wave, and 2 Die in Clashes With Police*, N.Y. TIMES, Feb. 27, 2011, <http://www.nytimes.com/2011/02/28/world/middleeast/28oman.html>; Ivana Watson, *Jordan Protesters Inspired by Tunisian Ripple*, CNN.COM, Jan. 19, 2011, http://articles.cnn.com/2011-01-19/world/jordan.ripple_1_tunisian-president-jordanians-jordan-protesters?_s=PM:WORLD.

Civil uprisings boiled over in Bahrain and Syria.² Governments toppled in Egypt, Libya, Tunisia, and Yemen.³ These clashes are characterized by the times. In nearly every instance, social media and communication networks fostered organization and raised awareness of strikes, government reaction, demonstrations, marches, rallies, and abuses of state power.

The United States generally supports these uprisings, at least insofar as they are a way forward for the spread of democracy and a more stable and safe world. On March 12, 2012, Secretary of State Hillary Rodham Clinton spoke to the United Nations Security Council supporting the principles behind the Arab Spring revolutions: “[A]ll of these democratic movements have sprung from a common desire for rights, freedom, economic hope, and human dignity. . . . These principles – and the people who struggle to realize them in their own societies – deserve and demand our collective support.”⁴ Clinton’s remarks reflect the United States’ commitment to building prosperous democratic societies.

Moreover, in forwarding this mission, the State Department has taken a very strong stance on open Internet and open access to technology that has aided in these revolutions by providing training programs, resources, and political might. “Advancing Internet freedom is a priority for this administration.”⁵ The State Department, beyond public statements, provides

² David Cloud, *Forces in Bahrain Move Against Crowded in Square*, L.A. TIMES, March 16, 2011, <http://articles.latimes.com/2011/mar/16/world/la-fg-bahrain-flashpoint-20110316>; *Huge Protests Grip Syria; 24 Killed in Clashes*, MSNBC.COM, July 7, 2011, http://www.msnbc.msn.com/id/43611564/ns/world_news-asia_pacific/t/huge-protests-grip-syria-killed-clashes/#.T5VWedUmySo.

³ Leila Fadel, *With Peace, Egyptians Overthrow a Dictator*, WASH. POST, Feb. 11, 2011, www.washingtonpost.com/wp-dyn/content/article/2011/02/11/AR2011021105709.html; Ariel Zirulnick, *Qaddafi Killed, Say Libya’s Interim Leaders; US, NATO Scramble to Confirm*, CHRISTIAN SCI. MONITOR, Oct. 20, 2011, <http://www.csmonitor.com/World/terrorism-security/2011/1020/Qaddafi-killed-say-Libya-s-interim-leaders-US-NATO-scramble-to-confirm>; Naseema Noor, *Tunisia: The Revolution That Started it All*, INT’L AFFAIRS REVIEW, Jan. 31, 2011, <http://www.iar-gwu.org/node/257>; Hakim Alasmari, *Yemeni President to Step Down*, WALL ST. J., Nov. 24, 2011, <http://online.wsj.com/article/SB10001424052970204630904577055520418084162.html>.

⁴ Hillary Rodham Clinton, Sec’y of State, Remarks at the United Nations Security Council (March 12, 2012), *available at* <http://www.state.gov/secretary/rm/2012/03/185623.htm>.

⁵ Question Taken at the March 14, 2012, Daily Press Briefing, U.S. DEP’T OF STATE (March 15, 2012), <http://www.state.gov/r/pa/prs/ps/2012/03/185904.htm>.

training and tools to activists in the Middle East in order to help them exercise freedoms of expression, association, and assembly that are core values of American democracy.⁶ The State Department's "Internet freedom programming is aimed at making sure that voices for peaceful democratic reform in the region can be heard" and is meant to counter "increasingly active" Internet censorship.⁷ For the State Department, accordingly, the issue of Internet freedom is about the proliferation of democracy and eradicating regimes that are oppressive to fundamental human rights.

The State Department's foreign policy stance is undergirded by the democratic peace theory. This theory recognizes an inverse relationship between democratic institutions in particular states and propensity for violence against other nations or its own people. The theory states that the more democratic a nation through institutions, respect for human rights, and meaningful civic participation, the less likely the nation will war with other nations or its own people.⁸ At least in part, this theory supports the State Department's work in encouraging the development of democratic states abroad.

Governmental actions affecting communications networks are not merely an international concern. On August 11, 2011, the San Francisco Bay Area Rapid Transit Authority ("BART") preemptively shut down communications networks to prevent protests on train platforms over the shooting of a passenger by BART police. BART, which is a governmental agency created by the state of California to run mass transit in the greater San Francisco-Oakland area,⁹ controls passengers' access to wireless communications in underground stations and tunnels. BART's

⁶ *Id.*

⁷ *Id.*

⁸ R.J. Rummel, The Rule Of Law: Toward Eliminating War and Democide. Speech Given To The American Bar Association National Security Conference on "The Rule Of Law In United States Foreign Policy and The New World Order." Washington, D.C. Oct. 10-11, 1991.

⁹ *See A History of BART: The Concept is Born*, BART.GOV, <http://www.bart.gov/about/history/index.aspx> (last visited Apr. 27, 2012).

rationale for disabling the networks was that protesters would use cell phones to coordinate their actions and that the resulting disturbance would lead to overcrowding and unsafe conditions on train platforms.¹⁰ Officials shut off the network for three hours, disrupting commuters' ability to make cell phone calls. The shutdown resulted in a wave of protests from the American Civil Liberties Union, the Electronic Frontier Foundation, and many others.¹¹ Prompted in part by concerns about the BART shutdown and its ramifications for public safety, the FCC opened the current docket seeking comment on wireless service interruptions.¹²

This comment explains why that the State Department's foreign-policy stance – that networks need to remain open – should inform any FCC action taken on this matter. In particular, the United States' international positions reflect fundamental freedoms that should be accounted for when the FCC interprets an ambiguous statute or makes new rules concerning the appropriate procedure and standards for the shutdown of communications networks. Additionally, the gravity of the potential foreign-policy implications on this matter suggests that the FCC should cooperate with the State Department to seek policy coherence where possible. Where harmonization is not possible, enhanced awareness is nonetheless of value. Part I of this comment describes the United States' foreign policy on Internet freedom and explains why it is important that United States' domestic policy on network shutdowns be consistent with United States' foreign policy. Part II explores network shutdowns during the 2011 Arab Spring and the United States' response to these shutdowns. Part III provides an analysis of the BART network shutdown and highlights why the FCC should consider the State Department's position on network shutdowns by government actors.

¹⁰ Tom Loftus, *Many Questions, Few Answers on BART Shutdown of Phones*, WALL ST. J., Aug. 16, 2011, <http://blogs.wsj.com/digits/2011/08/16/many-questions-few-answers-on-bart-shutdown-of-phones/?mod=WSJBlog>.

¹¹ *Id.* The ACLU said: "Shutting down access to mobile phones is the wrong response to political protests, whether it's halfway around the world or right here at home."

¹² Commission Seeks Comment on Certain Wireless Service Interruptions, Public Notice, GN Dkt. No. 12-52 (March 1, 2012), available at <http://www.fcc.gov/document/commission-seeks-comment-certain-wireless-service-interruptions>.

I. The United States' Policy Statements in the Context of Actions Taken By Foreign Governments Build a Framework for Analysis

The State Department's Internet Freedom campaign as well as the State Department's reactions to shutdowns in other countries by foreign governments underscores potential tensions with domestic policy on this issue. In this section we first discuss the State Department's broad policy on freedom in communications networks and then provide in-depth analysis of shutdowns in Tunisia, Egypt, and Libya.

A. U.S. Foreign Policy Takes a Stand Against Internet and Wireless Network Shutdowns

Under the Obama administration, the State Department has made its "Internet Freedom" campaign a centerpiece of the department's foreign policy agenda. The cornerstones of the Internet Freedom campaign have been a series of speeches given by Secretary of State Hillary Rodham Clinton, beginning with a speech on January 21, 2010. In her first speech, Secretary Clinton articulated the centerpiece of the Internet Freedom campaign, which is that the basic human rights that are stated in the Universal Declaration of Human Rights need to be protected on the Internet just as they are in a public square or park. Additionally, Secretary Clinton made clear that foreign governments that attempt to censor, repress, or otherwise violate these basic human rights are opposed by the State Department and encouraged to end their repression of their citizens' basic human rights.

Following this first speech, Secretary Clinton made several more speeches on the topic of Internet Freedom, including an influential speech given at The Hague in December 2011. The State Department has gone beyond words on this subject. Millions of dollars are allotted to programs that allow Internet users, where their government is likely to shut down networks, to circumvent the traditional networks and thus carry on their political speech. The State

Department develops the technology that these programs require, and then trains organizations on how to utilize the circumvention technology.¹³ This technology and the organizations that use it are located in countries where the people's basic and universal rights are likely to be denied or repressed by their government.¹⁴ In a State Department Special Briefing on the circumvention technology, a Senior State Department official stated: "This is clearly a priority, and it's not one that we apologize for. This is about universal rights that are the obligation of every state, and again, governments that are respecting those rights have nothing to fear in a free Internet."¹⁵

The State Department also uses the Internet Freedom Campaign to criticize regimes that are repressing or violating human rights, such as Egypt, Libya, and Tunisia. In Tunisia, as people expressed their desires for a new government and change, Secretary Clinton used an Internet Freedom speech to criticize Tunisia's government, claiming that the Internet lockdown initiated by their government was not sustainable.¹⁶ In the same speech, delivered in February 2011, Secretary Clinton took the opportunity to criticize the Egyptian government.¹⁷ Secretary Clinton described how the Internet was essential to the revolution taking place in Egypt, where protests and demonstrations were coordinated through Facebook or Twitter, and photos and videos were uploaded to the Internet.¹⁸ Egypt proceeded to shut down several networks, and subsequently took even more drastic action when it shut down all non-government access to the Internet and

¹³ Background Briefing by Senior State Department Officials on Internet Freedom Programs, Special Briefing, Office of the Spokesperson, U.S. Dep't of State (June 15, 2011), *available at* <http://www.state.gov/j/drl/rls/rm/2011/166295.htm>.; Hillary Rodham Clinton, Sec'y of State, Internet Rights and Wrongs: Choices & Challenges in a Networked World, Remarks at George Washington University (Feb. 15, 2011), *available at* <http://www.state.gov/secretary/rm/2011/02/156619.htm>.

¹⁴ *Id.*

¹⁵ Background Briefing by Senior State Department Officials on Internet Freedom Programs, Special Briefing, Office of the Spokesperson, U.S. Dep't of State (June 15, 2011), *available at* <http://www.state.gov/j/drl/rls/rm/2011/166295.htm>.

¹⁶ Hillary Rodham Clinton, Sec'y of State, Internet Rights and Wrongs: Choices & Challenges in a Networked World, Remarks at George Washington University (Feb. 15, 2011), *available at* <http://www.state.gov/secretary/rm/2011/02/156619.htm>.

¹⁷ *Id.*

¹⁸ *Id.*

mobile networks on January 28, 2011.¹⁹ Secretary Clinton criticized the actions of Egypt's government just as she had criticized the actions taken in Tunisia.

The actions of these governments were criticized not simply because they had shut down wireless networks to stop protests or stifle dissent. Secretary Clinton made clear that the opposition of the State Department was also because the shutdowns of wireless networks were made in an effort to deny people basic human rights.²⁰ The actions of Egypt and Tunisia's governments reflected the "power of connection technologies", as well as how essential these technologies have become. Depriving a political movement of the use of these technologies affects fundamental and universal rights of speech.²¹

As Secretary Clinton noted, "The United States wants the Internet to remain a space where economic, political, and social exchanges flourish. To do that, we need to protect people who exercise their rights online, and we also need to protect the Internet itself from plans that would undermine its fundamental characteristics."²² Attempts to undermine basic human rights, such as freedom of speech by disabling wireless networks, are often done "in the name of security" according to Secretary Clinton.²³

The United States and the State Department are dedicated, as Assistant Secretary Michael H. Posner put it, to "putting our money behind, and our diplomatic power behind, the notion that a free, open, neutral Internet across borders in the world's interest [*sic*]."²⁴ Assistant Secretary Posner highlighted that younger generations see communications via the Internet the way older generations saw the town square, and so the Internet needs to be treated the same way the town

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ Interview of Assistant Sec'y Michael H. Posner by Assistant Sec'y Philip J. Crowley, U.S. Dep't of State, Conversations With America: The State Department's Internet Freedom Strategy (Feb. 18, 2011), *available at* <http://www.state.gov/j/drl/rls/rm/2011/157089.htm>.

square has been treated in western societies.²⁵ Assistant Secretary Posner also made the powerful point about Egypt's shutdown of all wireless networks, and then the Internet in general. His point was that the Egyptian government was only able to keep its networks shut down for a few days because when a government shuts down the Internet and associated networks, it is not just political dissent that is halted. Economic growth, innovation, and many other essential tools of commerce and essential tools of the Egyptian economy were made unavailable by the shutdowns.²⁶ Assistant Secretary Posner said that this illustrates that the Internet is "essential for every aspect of a modern society. You can't live without it."²⁷ This is a powerful statement that demonstrates why the State Department is determined to set a high bar for when it is okay for a foreign government to shut down a network, and this should be mirrored in domestic policy as well.

In Secretary Clinton's December 2011 Internet Freedom Speech at The Hague, she again emphasized that it is necessary for all citizens of the world to be wary of governments who wish to control certain voices or movements and believe that shutting down wireless networks or limiting Internet access is a viable option.²⁸ Secretary Clinton's language once again seems to condemn actions of foreign governments; however, these foreign governments took actions that are similar to the actions BART took in shutting down their wireless networks. Echoing the idea that wireless networks should be open, Secretary Clinton stated that "we need to protect people who exercise their rights online, and we also need to protect the Internet itself."²⁹ Later in this speech, Secretary Clinton details how this can be accomplished – by providing dissenting journalists, activists, bloggers, and so on with the tools to circumvent the repressive regimes'

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ Hillary Rodham Clinton, Sec'y of State, Conference on Internet Freedom, Remarks at The Hague, Netherlands (Dec. 8, 2011), available at <http://www.state.gov/secretary/rm/2011/12/178511.htm>.

²⁹ *Id.*

attempts to stifle dissent through Internet or network shutdowns. Secretary Clinton goes on to mention that it is important not only for government actors to act responsibly when basic human rights are involved on the Internet but for private-sector actors and other non-government actors to act appropriately as well.

The State Department has taken up the Internet Freedom campaign as a way to promote basic and universal human rights around the world. By working to advance Internet Freedom, the State Department hopes to circumvent and discourage governments who work to restrict Internet access, shut down wireless networks, censor certain websites and search results, and use the Internet as a tool of oppression. The State Department has taken the stance that Internet Freedom is a foreign policy priority, and this is demonstrated by the multiple speeches Secretary Clinton has made as part of the campaign. The Internet enables a level of communications and a flow of knowledge that can empower the common citizen, and the State Department wants to promote this as much as possible. Through the language in various press releases, as well as the content of Secretary Clinton's speeches, the United States' foreign policy promotes an open Internet where any shutdown of a wireless network or networks would occur only in dire circumstances. Considering the standards the State Department has applied to other national governments, allowing other situations similar to the BART situation to occur would be hypocritical.

B. Domestic Policy Should Be Consistent With Foreign Policy, and Contrary Policy Undermines American Credibility

“Our approach begins with a commitment to build a stronger foundation for American leadership, because what takes place within our borders will determine our strength and influence beyond them.”

- Secretary of State Hillary Rodham Clinton³⁰

³⁰ Hillary Rodham Clinton, Sec'y of State, Remarks on the Obama Administration's National Security Strategy at the Brookings Institute (May 27, 2010), *available at* <http://www.state.gov/secretary/rm/2010/05/142312.htm>

Democracy has become one of the United States' chief exports. One of the seven core development objectives of the United States Agency for International Development (USAID) is to "[e]xpand and sustain the ranks of stable, prosperous, and democratic states: supporting the next generation of democratic transitions."³¹ Other core objectives include promoting sustainable, broad-based economic growth, increasing food security, promoting global health, and mitigating contributions to climate change.³² USAID is the federal agency primarily responsible for administering foreign aid and its core concepts ultimately play a significant role in United States foreign policy.

"Democratic Peace Theory" underpins United States foreign policy. Democratic Peace Theory can be best explained by its most revered champion, University of Hawaii Professor Emeritus of Political Science Rudolph Rummel:

In theory and fact, the more democratic two states, the less deadly violence between them; and if they are both democratic, lethal violence is precluded altogether. That is, ***democratic states do not make war on each other***. Moreover, the ***less*** democratic two states, the ***more*** probable war between them. And also, the ***less*** democratic a state, the ***more*** likely will occur internal warfare.³³

The premise of American foreign policy is that encouraging democratic state structures leads to a safer and more prosperous world. Empowering countries to transition to democratic systems plays a critical role in the promotion of global safety through stable nations. This is about public safety, national security, and the increasing the size of the pie on the world stage. In a post-9/11

³¹ USAID Policy Framework 2011-2015, *available at* http://www.usaid.gov/policy/USAID_PolicyFramework.PDF.

³² *Id.*

³³ R.J. Rummel, The Rule Of Law: Toward Eliminating War and Democide. Speech Given To The American Bar Association National Security Conference on "The Rule Of Law In United States Foreign Policy and The New World Order." Washington, D.C. Oct. 10-11, 1991. (emphasis in the original).

world, the United States plays a critical role in fostering the development of democratic institutions in foreign countries.³⁴

Remarking on the Obama Administration's national security strategy at the Brookings Institution, Secretary Clinton said, "Democracy [and] human rights development are mutually reinforcing and they are deeply connected to our national interests."³⁵ Key human rights as recognized by Article 19 of The Universal Declaration of Human Rights include freedom of speech through any media: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."³⁶ This is not to mention a key tenet of American democracy, the First Amendment. Clinton went on to say, in unequivocal terms, that in developing democracies abroad, the United States needs to set the example. "We have to have the conditions in effect in our own country where we are able to project both power and influence."³⁷ It is important that the democracy we are exporting actually has all of the benefits and protections of democracy, including freedom of expression.

On April 23, 2011, President Barack Obama signed an executive order that authorizes new sanctions against the Syrian and Iranian governments for "computer and network disruption, monitoring, and tracking by those governments"³⁸ on the basis that it poses a threat to our national security and has been used as a tool to quell dissent. "These technologies should be in place to empower citizens, not repress them," the President said.³⁹

34 David Chandler, *Back to the Future? The Limits of Neo-Wilsonian Ideals of Exporting Democracy*, 32 REVIEW OF INT'L STUDIES 475, (2006), available at <http://dx.doi.org/10.1017/S0260210506007121>.

35 Clinton Remarks, *supra* note 91.

36 Article 19 Universal Declaration of Human Rights, available at <http://www.un.org/en/documents/udhr/>

37 Clinton Remarks, *supra* note 91.

38 Exec. Order No. ____, ____, Fed. Reg. ____ (Apr. 23, 2012), available at <http://www.whitehouse.gov/the-press-office/2012/04/23/executive-order-blocking-property-and-suspending-entry-united-states-cer>.

39 *Obama Announces New Sanctions Targeting Syria, Iran*, NAT'L PUB. RADIO, April 23, 2012, <http://www.npr.org/blogs/thetwo-way/2012/04/23/151214762/obama-announces-new-sanctions-targeting-syria-iran>.

United States diplomacy is undermined when foreign policy is reduced to “do what I say, not what I do” politics. When BART shut down networks, Egyptian activists called it “muBARTak” playing on the name of the former politician and military commander.⁴⁰ American credibility abroad is at stake. This issue presents a foreign policy credibility problem where the contradiction between commandments on foreign policy for Internet freedom, sanctions on governments for interference with wireless technologies, and continued condemnation of foreign government shutdowns are so easily contrasted with the BART situation. On this issue, with the present international political climate, the FCC should work with the State Department in developing a strategy to move forward.

II. United States Condemnations of International Wireless Shutdowns Are Instructive

Disconnection of digital networks is now a pervasive tool of social governance. In the most comprehensive review of network shutdowns, Phillip N. Howard, Professor of Communications at the University of Washington, created an event history database of incidents. The paper, published by the Center for Technology Innovation at Brookings, found over six hundred interruptions since 1995 where state actors went beyond passive surveillance of particular websites or users and disconnected networks or prohibited significant amounts of traffic.⁴¹ In classifying interruptions, Howard created a set of categories that are helpful in understanding network interruptions. Governments can target full networks (shut down the entire network), sub-networks (blocking certain access sites), network-nodes (individual users) or

40 Joshua Hersh, *Egyptian Activists See Hypocrisy In BART Shutdown, London Riots*, HUFFINGTON POST, Aug. 16, 2012, http://www.huffingtonpost.com/2011/08/16/bart-london-riots-egypt_n_928144.html.

41 Phillip N. Howard, Sheetal D. Agarwal, & Muzammil M. Hussain, *The Dictators' Digital Dilemma: When Do States Disconnect Their Digital Networks?* ISSUES IN TECH. INNOVATION, October 2011, at 4, available at http://www.brookings.edu/~media/Files/rc/papers/2011/10_dictators_digital_network/10_dictators_digital_network.pdf.

affect communications by proxy (threatening ISPs).⁴² Howard's findings indicate that more democracies participate in network interference that falls into one of three categories above than authoritarian regimes; however, authoritarian regimes conduct shutdowns with greater frequency.⁴³

Howard's classification taxonomy is helpful in analyzing instances of communications shutdowns and the Arab Spring. Part A of this section discusses the beginning of the Arab Spring. Part B discusses the uprising in Tunisia. Part C discusses the uprising in Egypt. Part D discusses the uprising in Libya.

A. A Man Sets Himself On Fire And Sparks Protests In More Than a Dozen Countries

On December 17, 2010, Mohammed Bouazizi triggered what has become known as the Arab Spring. On that morning, on the streets of Sidi Bouzid, Tunisia, the vegetable merchant with the equivalent of a high-school education was ticketed, insulted, and his goods confiscated by local police authorities for not carrying a license. He went to the local municipality to contest his ticket, where the authorities refused to speak with him. As the breadwinner for his family in a country with high unemployment, his dejection following the interaction with state officials was profound. He covered himself in fuel and lit himself on fire on the steps of the provincial headquarters.⁴⁴

There are many causes attributed to the uprisings during the Arab Spring. Among them, high unemployment of young college-educated groups, dissatisfaction with autocratic and brutal leaders, widespread governmental corruption, high food prices, lack of infrastructure, oppression,

⁴² *Id.* at 5..

⁴³ *Id.* at 6.

⁴⁴ Rania Abouzeid, *Bouazizi: The Man Who Set Himself and Tunisia on Fire*, TIME, Jan. 21, 2011, <http://www.time.com/time/magazine/article/0,9171,2044723,00.html>

and low wages are the most cited.⁴⁵ After self-immolation protests in Tunisia, protests cascaded across the region, ultimately enveloping more than a dozen countries. Protesters were united in their cause to show their government that they were unhappy with the conditions and, in some cases, uproot the class in power.

These protests were characterized by another feature: the use of social media, the Internet, and digital networks to organize, warn, discuss, and debate the issues surrounding the protests. There is little doubt the use of social media through digital networks played a key role in the protests. After realizing the utility of these networks to protesters, governments attempted or successfully interrupted the networks. Each of these categories of interruption described by Professor Howard occurred during the Arab Spring. Tunisia targeted sub-networks and network-nodes, while Egypt and Libya targeted full networks. Each type of interruption raises concerns about the free-flow of communication and the inherently entangled fundamental rights. Below is a discussion of actual or attempted shutdowns in these particular countries.

B. Tunisia Shut Down Networks to Quell Dissent

Bordering Algeria and Libya, Tunisia is located in Northern Africa with 713 miles of coastline on the Mediterranean Sea. The CIA World Fact Book compares its size to the United States' state of Georgia at 63,170 square miles. Demographically, Tunisia has a relatively young median age of 30. Many of its residents are college-educated, the country being 15th in the world for spending 7.1% of its GDP on education and having a 74.3% literacy rate. In 2011, at the time of the protests, it was ranked 151st in the world for unemployment at 16%.⁴⁶

⁴⁵ Kenneth Pollack, Daniel Byman, & Akram Al-Turk, *The Arab Awakening: America and the Transformation of the Middle East*, The Brookings Institution, at 1-9 (2011).

⁴⁶ *The World Factbook Africa: Tunisia*, CIA.GOV, <https://www.cia.gov/library/publications/the-world-factbook/geos/ts.html> (last visited Apr. 16, 2012).

With regard to communication networks, Tunisia ranks highly on the world stage. Nearly 93% of the population has a mobile subscription while 25% of the population has used the Internet, with most of the use concentrated in the youth populations.⁴⁷ This low number for Internet use among the population is revealing in that mobile networks were likely more important to the movement than the Internet.

After the self-immolation of Mohamed Bouazizi on December 17, 2010, protesters at the regional government headquarters in Sidi Bouzid were met with tear gas and obstruction by police.⁴⁸ Near the end of December 2010, the protests reached the capital city of Tunis with protesters calling for jobs and new government.⁴⁹

In early January 2011, protests had swept the nation. Protesters in Thala claimed solidarity with the self-immolation protests and protested the high cost of living, high unemployment, and government corruption.⁵⁰ Elites not in government also joined the protests. Lawyers protesting joblessness, human rights violations, and beatings of lawyers by government officials joined the masses in Tunis. Chairman of the Bar Abderrazek Kilani claimed that 95% of Tunisian attorneys had joined the protests.⁵¹

In response, the Tunisian government interfered with Internet accounts on Google, Yahoo, Twitter, and Facebook.⁵² Journalists, bloggers, and other activists were targeted by state “phishing” operations where account usernames and passwords were hacked, accounts

⁴⁷ Philip N. Howard, Aiden Duffy, Deen Freelon, Muzammil Hussain, Will Mari, & Marwa Mazaid, *Opening Closed Regimes: What was the Role of Social Media During the Arab Spring?* Project on Information Technology and Political Islam, Univ. of Wash. Research Memo 2011.1.

⁴⁸ Bilal Randeree, *Protests Continue in Tunisia*, AL-JAZEERA, Dec. 26, 2010, <http://www.aljazeera.com/news/africa/2010/12/2010122682433751904.html>.

⁴⁹ *Id.*

⁵⁰ Bilal Randeree, *Violent Clashes Continue in Tunisia*, AL-JAZEERA, Jan 4, 2011, <http://www.aljazeera.com/news/africa/2011/01/201114101752467578.html>.

⁵¹ Bilal Randeree, *Thousands of Tunisia Lawyers Strike*, AL-JAZEERA, Jan. 6, 2011, <http://www.aljazeera.com/news/africa/2011/01/201116193136690227.html>.

⁵² Yasmine Ryan, *Tunisia's Bitter Cyberwar*, AL-JAZEERA, Jan. 6, 2011, <http://www.aljazeera.com/indepth/features/2011/01/20111614145839362.html>.

monitored, and sometimes shut down. Internet hacker groups entered the fray in January 2011 to battle the interference with the networks. Anonymous, the international group of cyber-hackers, brought down servers and sought to end Tunisian government censorship by distributing software to work around government firewalls.⁵³

The Tunisian interference strategy targeted sub-networks that were used to organize and report protests. Tunisian officials also targeted network nodes, arresting many and sparking further protests. Facebook reported that the Tunisian government did not contact it and that it did not intend to censor its content in any way.⁵⁴ On January 14, 2011, Zine El Abidine Ben Ali, President of Tunisia, fled to Saudi Arabia, ending 23 years in power. The remaining government was ousted in the subsequent months.⁵⁵

C. Shutdowns In Egypt Not Only Caught The Attention Of The World But Also Probably Increased The Numbers Of Protesters

A month after the self-immolation of Mohamed Bouazizi in Tunisia, Cairo became the center of self-immolation demonstrations and protests soon followed.⁵⁶ Prior to the Arab Spring protests in Egypt, the country had been under “Emergency Law” since the Six Day War in 1967. Emergency Law permits indefinite detention without trial and hearings of civilians by military courts, prohibits gatherings of more than five people, and limits speech and association.⁵⁷ Additionally, people were becoming more and more dissatisfied with the leadership from Hosni Mubarak, who had run the country with an iron fist since 1981.⁵⁸ Much of the anger and

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Takver, *Uprising in Tunisia: People Power Topples Ben Ali Regime*, AUSTRALIA INDYMEDIA, Jan 16, 2011, <http://www.indybay.org/newsitems/2011/01/16/18669320.php>

⁵⁶ Dina Zayed, *Egyptians Set Themselves Ablaze After Tunisia Unrest*, REUTERS, Jan. 18, 2011, <http://www.reuters.com/article/2011/01/18/us-tunisia-egypt-immolation-idUSTRE70H3L720110118>

⁵⁷ Daniel Williams, *Egypt Extends 25-Year-Old Emergency Law*, WASH. POST, May 1, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/04/30/AR2006043001039.html>.

⁵⁸ Aladdin Elaasar, *Egyptians Rise Against Their Pharaoh*, HUFFINGTON POST, Jan. 28, 2011, http://www.huffingtonpost.com/aladdin-elaasar/egyptians-rise-against-th_b_815520.html.

frustration with Mubarak was a result of a government rife with corruption where government officials would become exceedingly rich as a result of their position in power.⁵⁹ Mubarak is estimated to be worth \$50-\$70 billion.⁶⁰

In addition, Egypt had severe unemployment, like most other Arab nations. In Egypt, young people aged 15 to 24 comprise a disproportionate share of the unemployed, where almost half do not have jobs. This age group is more than three times as likely as adults to be out of work.⁶¹

In the days before the protests, opposition groups began planning a protest on January 25, 2011, calling for term limits on the president, elimination of government corruption, repeal of Emergency Law, and the resignation of the minister of the interior for condoning police brutality. Asmaa Mahfouz, a 26-year-old Egyptian woman, now a national hero, video blogged on YouTube calling for “all young men and women” to “not be afraid of the police” and join the protest for rights on January 25, 2011.⁶²

On January 25, 2011, tens of thousands of protesters gathered in Cairo and in other cities throughout the country. The police forces were unexpectedly overcome and the protest started to look more like a popular revolution.⁶³ On January 28, 2011, the Egyptian government shut down both Internet and telecommunication networks. By contacting ISPs and telecom providers, Mubarak successfully curtailed the flow of information. A few tech-savvy students and civil society leaders were able to stay connected through satellite phones and dial-up connections.⁶⁴

Mubarak’s plan ironically backfired when many middle-class Egyptians, left without Internet or phone service at home or work, took to the streets as part of the protests. Mubarak’s

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² Mekay Emad, *Arab Woman Lead the Charge*, IPS, Feb. 11, 2011, <http://ipsnews.net/news.asp?idnews=54439>

⁶³ *Id.*

⁶⁴ Howard et al, *supra* note 30.

plan most likely bolstered the numbers of protesters rather than reduced them.⁶⁵ United States President Barack Obama released a statement:

The people of Egypt have rights that are universal. That includes the right to peaceful assembly and association, the right to free speech and the ability to determine their own destiny. These are human rights and the United States will stand up for them everywhere. I also call upon the Egyptian government to reverse the actions that they've taken to interfere with access to the Internet, to cellphone service and to social networks that do so much to connect people in the 21st century.⁶⁶

Egypt's interference with networks was initially focused on shutting down access to specific sites used in organizing protests like Facebook and Twitter. Shortly after, the Egyptian government shut down the networks by proxy, pressuring ISP and telecom providers into turning off service. It is unclear why service returned so quickly, but the return may have been caused by the realization that state workers could not do any work without these services and other individuals with jobs would join the protests if there was no work to be done.

Murbarak announced on January 29, 2011 that he was going to sack the cabinet but refused to step down himself.⁶⁷ Egyptian bloggers released a list of demands; chief among them was the resignation of Mubarak.⁶⁸ Almost all Internet and wireless had returned to normal by February 2, 2011. On February 4, 2011, now known as "The Day of Departure," hundreds of thousands of protesters gathered in Tahrir Square calling for Murbarak's resignation.⁶⁹ It was not until February 11, 2011 that Murbarak resigned and ultimately handed control of Egypt over to

⁶⁵ *Id.*

⁶⁶ Barack Obama, Remarks by the President on the Situation in Egypt at the White House, Jan. 28, 2011, <http://www.whitehouse.gov/the-press-office/2011/01/28/remarks-president-situation-egypt>.

⁶⁷ *Timeline: Egypt's Revolution*, AL-JAZEERA MIDDLE EAST, Feb. 14, 2011, <http://www.aljazeera.com/news/middleeast/2011/01/201112515334871490.html> (hereinafter "Timeline").

⁶⁸ Amira Hussaini, *Egypt: A List of Demands from Tahrir Square*, GLOBAL VOICES, Feb. 10, 2011, <http://globalvoicesonline.org/2011/02/10/egypt-a-list-of-demands-from-tahrir-square/>;

El Kilombo, *Tahrir Square Communique and Shared List of Demands*, RADICAL AFRICA, Feb. 7, 2011, <http://bolekaja.wordpress.com/2011/02/07/tahrir-square-communique-and-shared-list-of-demands/>.

⁶⁹ *Timeline*, *supra* note 56.

the Supreme Council of Egyptian Armed Forces.⁷⁰ In recent months, the Supreme Council of Egyptian Armed Forces has facilitated transferring the government to democratically elected legislators.⁷¹

D. Network Shutdowns In Libya Present Another Instance Where the United States Criticized Another Government's Interference in Communication Systems

Following the uprisings in Tunisia, Egypt, and other countries in northern Africa, protests gained steam in Libya in mid-February 2011.⁷² The Libya protests ultimately culminated into a nationwide civil war between rebel groups that shared much in common with protesters in Egypt and Tunisia and the Libyan army, which consisted of mercenaries and trained soldiers.⁷³

Libya, unlike Tunisia and Egypt, has vast stores of oil which contributed up to 58% of its GDP.⁷⁴ Political Scientist Thomas Friedman has said the First Law of Petro Politics is that “the price of oil and the pace of freedom always move in opposite directions.”⁷⁵ While Egypt and Tunisia have oil (1.2% and 5.1% of GDP respectively), they are not in the same neighborhood with Libya, which produces 1.5 million barrels a day.⁷⁶ This resource curse, as it is sometimes called, results in lower accountability to the people because representatives do not have to rely

⁷⁰ *Egypt's Friday Departure Rally: Massive, But Calm*, NATIONAL PUBLIC RADIO, Feb. 4, 2011, <http://www.npr.org/2011/02/04/133489032/egyptian-protesters-gear-up-for-friday-of-departure>.

⁷¹ *Egypt Army Hands Legislative Power to New Parliament*, AGENCE FRANCE-PRESS, Jan. 23, 2012, available at THE RAW STORY, <http://www.rawstory.com/rs/2012/01/23/egypt-army-hands-legislative-power-to-new-parliament/>

⁷² Anthony Shadid, *Clashes in Libya Worsen as Army Crushes Dissent*, N.Y. TIMES, Feb. 18, 2011, http://www.nytimes.com/2011/02/19/world/africa/19libya.html?_r=1.

⁷³ Andrew McGregor, *Special Commentary: Can African Mercenaries Save the Libyan Regime?* THE JAMESTOWN FOUNDATION, Feb. 23, 2011.

⁷⁴ Nate Silver, *Egypt, Oil and Democracy*, N.Y. TIMES, Jan. 31, 2011, <http://fivethirtyeight.blogs.nytimes.com/2011/01/31/egypt-oil-and-democracy/>.

⁷⁵ Thomas Friedman, *The First Law of Petropolitics*, FOREIGN POLICY, April 25, 2006, http://www.foreignpolicy.com/articles/2006/04/25/the_first_law_of_petropolitics.

⁷⁶ Silver, *supra* note 63.

on taxes to fill the coffers.⁷⁷ They merely need to drill another well. A lack of government accountability characterized the Libya protests.

Additionally, Libya's unemployment was the highest in the region and highest among OPEC members in the years preceding the uprising.⁷⁸ With so much money from oil revenues, Libyans are also more educated than those in Egypt and Tunisia as a result of Gaddafi's redistribution of the national oil revenues, paying for schools, housing, fuel, health care, and education.⁷⁹

Protests initially began in mid-January when people gathered and clashed with police regarding a housing development that had not been completed by state contractors soon enough.⁸⁰ The tipping point for the rebellion occurred on February 15, 2011, when Fathi Terbil was arrested. Terbil was a Libyan lawyer and human rights activist who was outspoken against the Libyan government.⁸¹ After his arrest, nearly 2,000 people took to the streets throwing stones and petrol bombs.⁸² Libyan security forces dispersed the crowd with hot-water cannons.⁸³ Within two days, on February 17, 2011 activists held a "day of rage" while Gaddafi forces killed nearly 20 demonstrators.⁸⁴ The protests exploded and protesters burned many government buildings and even helicopters.⁸⁵ This level of governmental retaliation was not seen or reported in the uprisings in Egypt or Tunisia.

⁷⁷ Friedman, *supra* note 64.

⁷⁸ *Libya's Jobless Rate at 20.7 Percent: Report*, REUTERS AFRICA, Mar. 2, 2009, <http://af.reuters.com/article/investingNews/idAFJOE52106820090302>.

⁷⁹ Sher Azad, *Gaddafi and the Media*, DAILY NEWS, Oct. 22, 2011, <http://www.dailynews.lk/2011/10/22/fea02.asp>.

⁸⁰ Souhail Karam, *Libya Sets up \$24 Bln Fund for Housing*, REUTERS, Jan 27, 2011, <http://www.reuters.com/article/2011/01/27/libya-fund-investment-idUSLDE70Q1ZM20110127>

⁸¹ Frank Gardner, *Libya Protests: Second City Benghazi Hit by Violence*, BBC NEWS AFRICA, Feb. 16, 2011, <http://www.bbc.co.uk/news/world-africa-12477275>

⁸² *Id.*

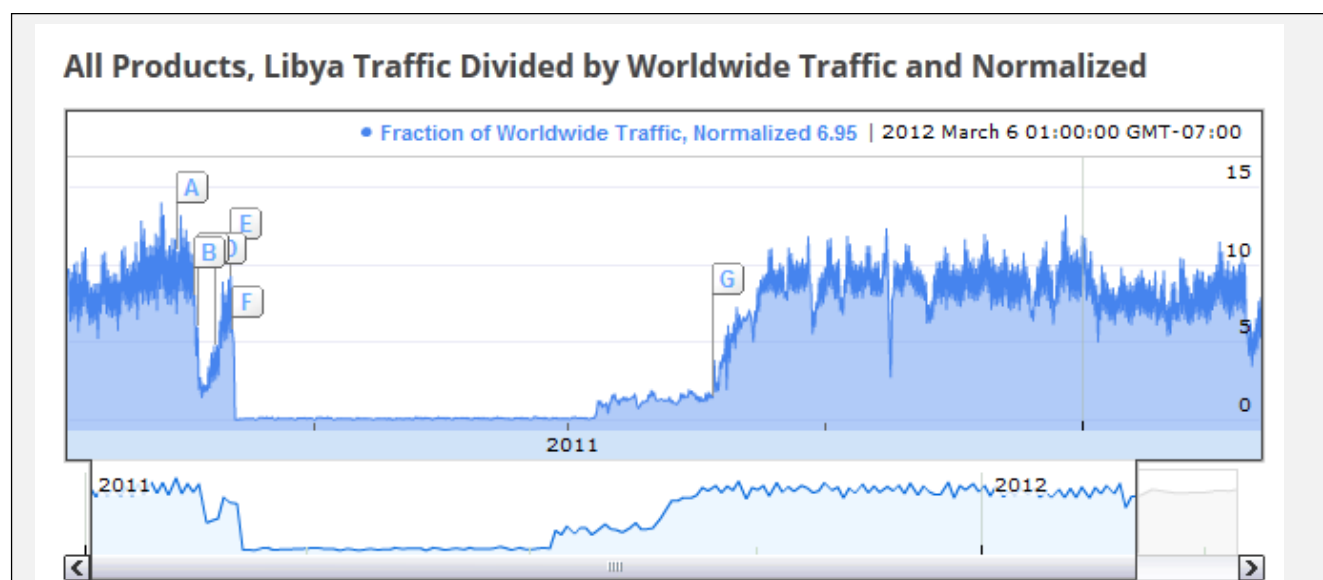
⁸³ *Id.*

⁸⁴ Mahmud Turkia, *Anti-Government Protesters Killed in Libyan Clash*, USA TODAY, Feb. 17, 2011, http://www.usatoday.com/news/world/2011-02-17-libya-protests_N.htm

⁸⁵ Sudarsan Raghavan, *Military Helicopters Reportedly Fire on Protesters in Libya*, WASH. POST, Feb. 21, 2011, <http://www.washingtonpost.com/wp-dyn/content/article/2011/02/20/AR2011022004185.html>.

On February 18, 2011 the Libyan Internet was blacked out and remained intermittent or completely out for many months, until August 2011.⁸⁶ Figure 1, below, is a Google Transparency report showing the network outage from February 18, 2011 to August 21, 2011. Libya has one of the highest concentrations of mobile phone users in Africa.⁸⁷ International phone calls were blocked at the same time the Internet was shutdown.⁸⁸ The two main phone providers in Libya are state owned. Al-Madar in the east was shut down early in the revolution. It is unclear whether this shutdown was intentional or accidental. Engineers now say an underwater cable that ran between Misurata and Khomas was cut.⁸⁹

The second provider, Libyana, was less centralized.⁹⁰ Engineers with the rebels worked on the Home Location Register (HLR) to keep the system up and ultimately made the system free to use for all subscribers. However, this does not mean the networks stayed up or were even marginally reliable. After losing Al-Madar, Libyana became swamped with users making calls,



⁸⁶Figure 1: Hopkins, Total Shutdown of Internet in Libya- Again, RWW, Mar. 4, 2011, <http://www.google.com/transparencyreport/total-shutdown-google-internet-again/traffic/>

⁸⁷Libya Goes Dark as Internet Shutdown, SYDNEY MORNING HERALD, Mar. 5, 2011, <http://www.smh.com.au/technology/news/libya-goes-dark-as-internet-shut-down-20110305-fbujf.html>.

⁸⁸For every product, Google logs the number of requests it receives in a given time period, along with the geographic region where the request came from. For each geographic region and product, Google creates a graph that gives a representation of the rate of the region's requests relative to the worldwide request rate.

⁸⁹Levan Phil, How Rebel Phone Network Evaded Shutdown, AL-JAZEERA, April 23, 2011, <http://www.aljazeera.com/news/africa/2011/04/2011042308142385190761.html>.

⁹⁰Id.

A, C, D, E, and F, indicate a change in Google categorization of traffic.

B indicates only partial availability of Google products. Feb. 18, 2011.

F indicates that no Google products are available. Mar. 4, 2011.

especially now that it was free. Calls take multiple attempts to connect – if they connect at all – and reception is marginal at best.⁹¹

By the end of February 2011, the cities of Benghazi, Torbruk, Misrata, Bayda, Zawiya, Zuwara, Sabratha, and Sorman had been claimed by the rebels and the country was in all-out war.⁹² After many more months of fighting, Tripoli began its demise in late August 2011.⁹³ The rebels advanced to Sirte and had taken much of it over by mid-October 2011. Gaddafi was captured in Sirte on October 20, 2011 and killed.⁹⁴ The war had mostly ended, despite minor pockets of continued resistance.⁹⁵

III. Analysis of the August 2011 BART Network Shutdown Highlights Why the FCC Should Consider The State Department’s Position on Network Shutdowns by Government Actors

Within the context of shutdowns in foreign countries and United States Foreign Policy, the BART shutdown reveals why it is important that foreign policy and domestic policy align and why the FCC should take into consideration foreign policy on this issue. In this section we discuss the BART facts, explain why foreign policy should align with domestic policy, and analyze the BART situation in this context.

On August 11, 2011, BART preemptively shut down communications networks in underground tunnels to prevent protests on train platforms.⁹⁶ The protests were in response to the

⁹¹ *Id.*

⁹² *Gaddafi Loses More Libyan Cities*, AL-JAZEERA, Feb. 24, 2011, <http://www.aljazeera.com/news/africa/2011/02/2011223125256699145.html>.

⁹³ David Kirkpatrick, *Qaddafi’s Son Taunts Rebels in Tripoli*, N.Y. TIMES, Aug. 22, 2011, http://www.nytimes.com/2011/08/23/world/africa/23libya.html?_r=1.

⁹⁴ Barry Malone, *Gaddafi Killed in Hometown, Libya Eyes the Future*, REUTERS, Oct. 20, 2011, <http://www.reuters.com/article/2011/10/20/us-libya-idUSTRE79F1FK20111020>.

⁹⁵ *Fresh Clashes in Libya’s Bani Walid; U.N. says 7,000 Held in Militia Prisons*, AL-ARABIYA NEWS, Nov. 23, 2011, <http://english.alarabiya.net/articles/2011/11/23/178863.html>.

⁹⁶ Loftus, *supra* note 11.

July 3, 2011, shooting death of a Charles Hill, a homeless man, by a BART police officer at the Civic Center station in San Francisco.⁹⁷

Two years before, in 2009, BART officer Johannes Mehserle shot and killed Oscar Grant III at the Fruitvale Station in Oakland.⁹⁸ The 2009 shooting set off mostly peaceful – but sometimes violent – protests in 2010 after the officer was convicted of involuntary manslaughter instead of murder.⁹⁹ The 2009 shooting also set in motion an 18-month investigation into BART officer training and procedures that recommended officers to be armed with Tasers or other non-lethal weapons.¹⁰⁰ Protesters of the 2011 shooting said that that shooting was an indication of BART’s failure to take notice and implement the 2009 investigation recommendations.¹⁰¹ Because of the reaction to the 2009 shooting, BART officials feared a similar wave of protests, and shut down the communications network in the tunnels for three hours.¹⁰² The similarity of the BART network shutdown to the mobile-network shutdowns discussed in Part II warrants exploring whether the BART shutdown was congruent with United States foreign policy on Internet freedom.

United States foreign policy has not argued that all networks need never be shut down in order to achieve the policy goals of the State Department. As explained in section I, however, America’s international policy positions set a high bar for when it is permissible to shut networks down. The question is where the BART situation fits within the State Department’s framework. Was the shutdown the correct decision considering the circumstances, or did BART overreact to the situation and shut down a network where the decision was not warranted? Comparing the

⁹⁷ Zusha Elinson,, *Latest BART Shooting Prompts New Discussion of Reforms*, N.Y. TIMES, July 16, 2011, <http://www.nytimes.com/2011/07/17/us/17bcbart.html?pagewanted=all>.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² Loftus, *supra* note 12.

facts of the BART situation to the facts of the shutdowns in Egypt, Tunisia, and Libya, the BART situation's facts are in some tension with these situations. On the one hand, the BART shutdown was relatively limited in geographic and temporal scope. On the other, BART's action, unlike the international shutdowns, was preemptive rather than reactive. Additionally, although previous BART protests reportedly turned violent, nobody was killed, unlike the self-immolations in Tunisia and the protests in Egypt.

While BART's facts do not easily fit into the factual frameworks addressed by United States foreign policy, the BART situation can still be addressed in terms of whether the BART situation met the "high bar" standard that the State Department has applied in United States foreign policy. In the BART situation, there was no imminent threat at the Civic Center Station. The threat of protesters possibly delaying trains, as they had at previous protests, does not represent a dire consequence and does not put anyone in imminent danger. In the spectrum of outcomes, it seems that by shutting down the wireless network on the platform and therefore blocking all outgoing emergency phone communications, the network shutdown may have even made the BART platform in question less safe and created more chaos. Without emergency service and the ability to call 911 or loved ones, or warn people of the situation that exists on the platform. By choosing to cut off the network for over three hours, BART took a step that does not meet the high bar standard that the State Department wishes to establish through foreign policy.

BART does not factually parallel any of the situations we have examined in Libya, Egypt, and Tunisia. Still, in keeping with the State Department's desire to set the bar high for when it is appropriate to shut down a network, the BART situation contained no imminent threat to the lives of passengers, and the situation does not seem to warrant a network shutdown when looking

at it through the framework created by State Department foreign policy. Other remedies, such as placing riot police on the platform, or directing passengers to other platforms, were likely safer alternatives than the action that BART chose.

Conclusion

This comment explores why the United States foreign-policy goal of Internet freedom should inform the FCC's work in crafting a policy on wireless service interruptions. Because freedom of expression is a central tenet of democracy and the State Department's policies explicitly call for open networks, domestic shutdowns of those same wireless networks undermine foreign policy and call United States legitimacy into question. The BART shutdown, which was driven by the municipality's concern about coordinated protests, is in tension with the State Department's open-Internet policy. The chasm between the principles of communications freedom enunciated by the State Department and the BART shutdown is problematic. If shut shutdowns are routinely permitted in the United States, then such a policy casts doubt on whether the United States takes freedom of expression as seriously at home as it does abroad.

The goals of the State Department's Internet Freedom policy should therefore inform FCC action on wireless service interruptions, whether that action is to interpret existing law or to craft a standard for when a network shutdown is appropriate.